

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

HORACE DWAYNE ALLEN,

Plaintiff,

v.

ORDER

Civil File No. 10-4205 (MJD/JSM)

BANK OF AMERICA CORP., et al.,

Defendants.

Horace Dwayne Allen, pro se.

Charles F. Webber, D. Charles Macdonald, Evan A. Fetters, and Michelle E. Weinberg, Faegre & Benson LLP, Counsel for Defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated July 22, 2011. [Docket No. 71] Plaintiff Horace Dwayne Allen filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review upon the record of the portion of the Magistrate Judge's disposition to which specific written objection has been made. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the well-reasoned Report and

Recommendation of United States Magistrate Judge Mayeron dated July 22, 2011.

The Court further states that it has carefully reviewed the entire record in this case, including the transcript of the hearing before Magistrate Judge Mayeron, and concludes that there is no evidence of judicial bias.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. Defendants' Motion to Dismiss [Docket No. 3] is **GRANTED** and this matter is **DISMISSED WITH PREJUDICE**.
2. Plaintiff's Motion for Leave to Amend [Docket No. 53] is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 26, 2011

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court